

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FEDERAL TRADE COMMISSION,

Plaintiff,

vs.

AMG SERVICES, INC., *et al.*,

Defendants.

Case No. 2:12-cv-536-GMN-VCF

AMENDED ORDER

Five motions are before the court: (1) Defendants' motion for a protective order (#617); (2) the Commission's motion to strike (#618); (3) Objector First International Bank & Trust's motion to quash (#624); (4) Defendants' motion to quash (#626); and (5) Defendants' motion to amend their motion for a protective order (#627). For the reasons stated below, all five motions are denied as moot.

On July 16, 2014, the Honorable Gloria M. Navarro, Chief U.S. District Judge, ruled that phase two of this litigation "shall commence on the date of this Order." (*See* Order (#629) at 18:9–10). Four of the motions (#617, #618, #626, #627) pending before the court were filed before Judge Navarro entered her order. These four motions also dispute whether phase two has commenced and, as a result, seek to prevent or compel discovery on that basis. The parties' motions are now moot. Phase two has commenced. Discovery must proceed.

The fifth motion (#624)—which seeks to quash the FTC's subpoena because it violates rule 45's 100-mile rule—is also denied as moot. Under Rule 45(d)(2)(B)(i), "[i]f an objection is made" to a subpoena, "the serving party may move the court . . . for an order compelling production." Here, First International Bank & Trust served the FTC with a written objection. (*See* Doc. #624 at 22:2). Under

1 Rule 45, First International Bank & Trust's written objection mooted the need to file the instant motion
2 to quash.

3 ACCORDINGLY, and for good cause shown,

4 IT IS ORDERED that Defendants' motion for a protective order (#617) is DENIED as moot.

5 IT IS FURTHER ORDERED that the Commission's motion to strike (#618) is DENIED as
6 moot.

7 IT IS FURTHER ORDERED that Objector First International Bank & Trust's motion to quash
8 (#624) is DENIED as moot.

9 IT IS FURTHER ORDERED that Defendants' motion to quash (#626) is DENIED as moot.

10 IT IS FURTHER ORDERED that Defendants' motion to amend their motion for a protective
11 order (#627) is DENIED as moot.

12 IT IS SO ORDERED.

13 DATED this 28th day of July, 2014.

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17 CAM FERENBACH
18 UNITED STATES MAGISTRATE JUDGE
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